

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

FIBER TECHNOLOGIES NETWORKS, L.L.C.,)	
)	
Complainant,)	
)	
v.)	D.T.E. 02-47
)	
VERIZON NEW ENGLAND and)	
NORTHEAST UTILITIES SERVICE COMPANY,)	
)	
Respondents.)	
)	

**MOTION FOR LEAVE TO AMEND
PETITION FOR INTERIM RELIEF AND COMPLAINT**

Fiber Technologies Networks, L.L.C. (“Complainant” or “Fibertech”), through undersigned counsel, requests that Fibertech be granted leave to amend its Petition for Interim Relief and Complaint to add Massachusetts Electric Company (“MECO”) as an additional Respondent in this action, and in support thereof states:

1. MECO recently presented Fibertech with a “Notice of Termination of Aerial License Agreement” by letter from G. Paul Anundson dated September 18, 2002 (the “Termination Notice”) a copy of which is attached hereto as Exhibit “A”;
2. The installation of facilities cited by MECO as the reason for the Termination Notice is the same “June Installation” referenced in Fibertech’s Petition for Interim Relief and Complaint with respect to MECO poles in Northampton, Massachusetts;
3. The legal issues involved in Fibertech’s action against MECO will be substantially the same as those already before the DTE in Fibertech’s Petition for Interim Relief and Complaint, including but not limited to MECO’s failure to comply with the 45 Day

Requirement set forth in 220 C.M.R. § 45.03(2), and other discriminatory and anticompetitive conduct applied to the MECO poles in Northampton;

4. The relief that Fibertech will seek from MECO will be substantially the same as the relief that Fibertech is seeking from Verizon and WMECO in its Petition for Interim Relief and Complaint.

Based on the foregoing, Fibertech respectfully requests that it be granted leave to amend its Petition for Interim Relief and Complaint to add MECO as an additional Respondent in this action.

Respectfully submitted,

FIBER TECHNOLOGIES NETWORKS, L.L.C.
By: Fibertech Networks, LLC, its sole member

By: _____
Charles B. Stockdale, V.P. & Corporate Counsel*
Robert T. Witthauer, Deputy Corporate Counsel*
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Dated: September 23, 2002

* motion to enroll as counsel *pro hac vice* previously filed

CERTIFICATE OF SERVICE

I hereby certify that on September ____, 2002, I served a copy of the foregoing on the Respondents, by delivering a copy of the same **via email and first class mail** to:

Bruce P. Beausejour, Esq.
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